

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THE UNITED STATES OF AMERICA

v.

TIMOTHY MULLER

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No. 4:24-CR-157-P (01)

DEFENDANT'S SECOND UNOPPOSED MOTION TO CONTINUE TRIAL AND ASSOCIATED PRETRIAL
MOTIONS

TO THE HONORABLE MARK T. PITTMAN, UNITED STATES DISTRICT JUDGE:

Counsel for Timothy Muller hereby moves to continue trial and all related pretrial motions by 30 days. In support, undersigned counsel shows the following:

1. This case is presently set for trial on October 21, 2024, at 9:00 a.m.
2. On July 7, 2024, Mr. Muller was charged as the sole defendant in a two-count indictment charging him with, Count One: Interstate Communications, in violation of 18 U.S.C. § 875(c); and Count Two: Influencing, Impeding, or Retaliating against a Federal Official, in violation of 18 U.S.C. § 115(a)(1)(B).
3. On July 15, 2024, Mr. Muller signed a waiver of arraignment and entry of not guilty plea, and it was filed the same date.
4. Mr. Muller remains in compliance on conditions of pretrial release.
5. On August 9, 2024, The Court granted Defendant's first unopposed motion for continuance to allow a psychological evaluation of Mr. Muller.
6. Based on conversations with the expert, the evaluation will be completed in two weeks.
7. Per the trial scheduling order, pretrial motions are due Monday, September 30, 2024.

8. Counsel for Mr. Muller believes that an additional 30 days may dispense with the need for a trial altogether.
9. Counsel conferred with Assistant United States Attorney Shawn Smith, and he is not opposed to this request.
10. Counsel for Mr. Muller is unavailable from October 7 – 11, 2024. The government is unavailable November 25 – 29, 2024.
11. This motion is made in the interest of justice and not for the purpose of delay.

WHEREFORE, undersigned counsel respectfully requests this motion be granted.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ Michael A. Lehmann
MICHAEL A. LEHMANN
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Attorney for Timothy Muller

CERTIFICATE OF CONFERENCE

I, Michael Lehmann, hereby certify that on September 27, 2024, I contacted AUSA Shawn Smith and confirmed the Government does not oppose this motion.

/s/ Michael A. Lehmann
MICHAEL A. LEHMANN
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I, Michael Lehmann, hereby certify that on September 27, 2024, I electronically filed this motion with the clerk for the U.S. District Court, Northern District of Texas, using the electronic filing system for the court. The electronic case filing system sent a “Notice of Electronic Filing” to AUSA, Shawn Smith, who presumably has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael A. Lehmann

MICHAEL A. LEHMANN

Assistant Federal Public Defender